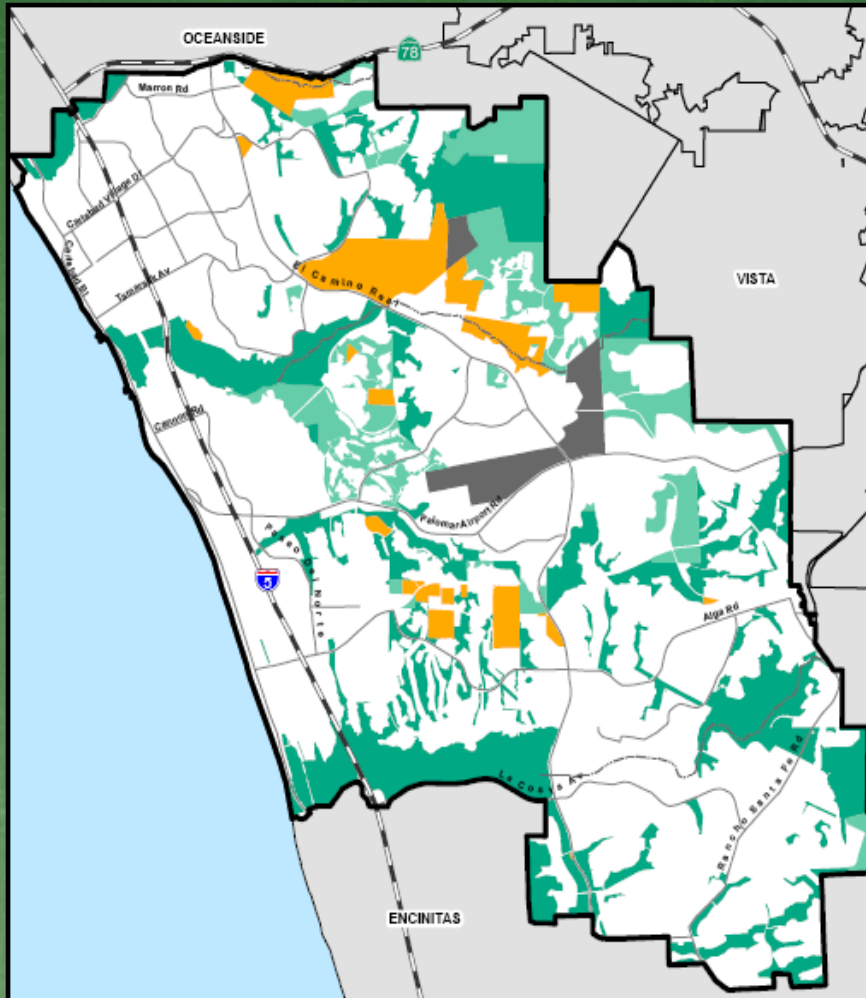


# Annual Report

## City of Carlsbad Habitat Management Plan Including Years One through Three

Nov. 2004 – October 2007



Prepared for:  
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April 15, 2008  
Revised September 30, 2008

# City of Carlsbad Habitat Management Plan Third Annual Report

Years 1 through 3, Nov. 2004 – October 2007

April 15, 2008

Revised September 30, 2008

***Prepared for:***

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***Approved by:***

I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is a true, and accurate representation of the information currently available.

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City of Carlsbad Planning Director

Date



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# Executive Summary

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Assembling and managing the HMP Preserve System has provided the City with an opportunity to significantly contribute to the conservation of ecological diversity and ecosystem integrity within the regional context of Southern California. This is the first complete annual report for the City of Carlsbad Habitat Management Plan (HMP), a subarea plan under the Multiple Habitat Conservation Program (MHCP). The reporting period for this document includes the first three years of HMP implementation (November 2004 – October 2007). The purpose of this report is to demonstrate City compliance with the HMP Implementing Agreement, and HCP/NCCP Take Authorization/Permits. To this end, the following topics are covered: background of the HMP, current status of the individual preserves within the Preserve System, regulatory compliance, management and monitoring activities, acquisitions, a financial summary, and a discussion of opportunities and constraints.

## Background

The HMP was developed to provide a comprehensive, citywide, program to identify how the City of Carlsbad (City), in cooperation with the U. S. Fish and Wildlife Service and the California Department of Fish and Game (collectively the Wildlife Agencies), can preserve the diversity of habitat and protect sensitive biological resources within the City, while allowing for additional development consistent with the City's General Plan and its Growth Management Plan. The HMP serves as a habitat conservation plan (HCP), as described in Section 10(a)(1)B of the Endangered Species Act (ESA), and as a Natural Community Conservation Plan (NCCP), as authorized by the Natural Community Conservation Planning Act (Fish and Game Code Section 2800 et. seq.). This report will help the Wildlife Agencies evaluate the City's *compliance* with the HMP by the City, and the *effectiveness* of the MHCP/HMP with respect to natural resources protection.

## Current Status of the Preserve System

A total of 6,478 acres of natural habitat have been targeted for preservation within the City limits and an additional 307.6 acres of coastal sage scrub habitat within the MHCP California Gnatcatcher Core Area. To date, 5,956.7 acres have been preserved within the HMP planning area and all but 43 acres of land have been acquired to fulfill the Core Area requirements. Approximately 780 acres within the preserve are not yet "conserved" because one or more of the following is still pending: Property Analysis Record (PAR),

non-wasting endowment, preserve management plan, or preserve management agreement. All of the acres within the Core Area are currently being actively managed by the Center for Natural Lands Management (CNLM); however, the City must reimburse the cost of approximately 50 acres that were purchased upfront by a developer. In-lieu mitigation fees will be used to fulfill all reimbursement and acquisition requirements. As of November 30, 2007, a total of \$765,370 in fees has been collected, \$72,903 of interest has accrued, and no money has been spent. The City is currently in negotiations with the developer, Lennar Communities, on the timing of reimbursement.

The following table shows a summary of the HMP preserve's gains and losses through October 2007. Losses occurred through development. Baseline gains are preserves that were in existence prior to the HMP. Year 0 includes the period of time between initial HMP approval (Wildlife Agency approval only) and final approval (Coastal Commission approval). "Potential Gains" are project-specific preserve areas that have been approved, but one or more of the following HMP requirements have not been met:

- Preparation of a Property Analysis Record (PAR) to assess the initial start up costs and costs of management and monitoring of the preserve in perpetuity.
- Preparation of an area-specific Preserve Management Plan to ensure adequate management and monitoring of biological resources within the individual preserve (i.e., the open space parcel that will become part of the HMP Preserve System).
- Establishment of a non-wasting endowment to provide adequate funds for preserve management in perpetuity.
- Establishment of a Conservation Easement as defined by state law (including deed restriction, restrictive covenant, transfer of fee title or other protective mechanism) on the preserve.
- Procurement of a Preserve Manager for the preserve whose qualifications are consistent with Wildlife Agency guidelines.



### Summary of Gains and Losses within the Subarea

Year	Acreage Losses	Potential Acreage Gains	Acres Gained (Conserved)
Baseline	N/A	4,592	4,592
0 (1999-2004)	812.5	360.1	131.3
1 (2004/2005)	664.5	773.3	238.5
2 (2005/2006)	47.0	25.8	9.4
3 (2006/2007)	126.0	205.5	205.5
<b>Totals</b>	<b>1,650.0</b>	<b>5,956.7</b>	<b>5,176.7</b>

### Regulatory Compliance

The City is implementing the HMP in a manner that is consistent with the Implementing Agreement and the HCP/NCCP Take Authorization/Permits. The Municipal Codes and development permitting process have been revised to ensure that all new development complies with HMP regulations, including coastal zone requirements and zone-specific standards within Standards Areas. Conservation is occurring in rough step with development (If the baseline is removed, then conservation since 2004 just meets the rough step 10% standard: 1,364.7 acres (45%) gained plus 1650 acres (55%) lost = 3,014.7 acres total). The City is currently supporting the HMP through pre-existing resources and targeted HMP funding. In addition, the City continues to work closely with Wildlife Agencies, Preserve Managers, local organizations, and the general public to keep the lines of communication open and to improve its efforts towards HMP implementation.

### Management and Monitoring

Currently, the majority of preserve lands in the City of Carlsbad are managed by CNLM and the California Department of Fish and Game (CDFG). Other management entities include Helix Community Conservancy (HCC), which is currently managing one property and under negotiations for several others; the University of California; and private Home Owners Associations. Properties that were previously managed by TET are gradually being released from bankruptcy court. Most or all of these properties will be managed by CDFG, CNLM, or HCC. The City is undergoing negotiations with CNLM for management of City-owned preserves; the PAR and preserve management plan are expected to be completed (including Wildlife Agency review) by mid 2008. In the meantime, management on City lands since inception of the HMP includes basic land management, erosion control, and invasive species removal.

The greatest threats to the preserves, identified by the Preserve Managers, are: (1) unmanaged and/or uncontrolled public use, (2) adjacent land use that may be detrimental to the preserve, (3) fragmentation of the ecosystem, and (4) wildfires. CNLM has submitted annual monitoring results to the City for all CNLM-managed preserves, and are available to the Wildlife Agencies upon request.

### Acquisitions

The only property acquired within the HMP to date is the Buena Vista Creek Ecological Reserve (Sherman Property), which was purchased with grants (National Fish and Wildlife Foundation, Habitat Conservation Planning Land Acquisition Grant, Wildlife Conservation Board Habitat Conservation Fund Proposition 117), and private donations coordinated by Preserve Calavera and supported by the Buena Vista Audubon Society and the Sierra Club.. This property is being held in fee title by CDFG who has contracted with CNLM for management of the property.

### Funding

The following funding sources have been used by the City to support HMP implementation. (see Section 4.0 for a more complete discussion).

- Program Administration and Oversight: The City has contracted with Technology Associates (TAIC) to serve as the City's Preserve Steward, who coordinates management throughout the Preserve System, and monitors HMP compliance and management effectiveness. The annual cost to the City for this administration and oversight service is \$125,000.
- Management of City-Owned Preserve Lands: Based on the PAR submitted by CNLM, start up costs and ongoing management for City-owned preserves for the first three years of management will be \$818,130. In June 2007, the City Council approved a budget of \$357,000 for start up costs, and \$154,000 for annual maintenance. The PAR and scope of work are under City review.
- Program Implementation: The City contracted with TAIC to develop guidelines to assist City planners, developers, biologists, and the public through the HMP process. The City also uses its existing infrastructure, staff, and departmental operating budgets to further support HMP goals, including public outreach, facility maintenance, and administrative requirements.
- Habitat In-Lieu Mitigation Fee: In-lieu habitat mitigation fees are collected from developers for project-related impacts to habitat groups D, E and F (unoccupied coastal sage scrub and chaparral, non-native grassland, disturbed lands,

Eucalyptus, and agricultural lands). These fees will be used to fulfill the City's Gnatcatcher Core Area obligations.

### Opportunities and Constraints

There are many opportunities to improve the condition of preserve lands in Carlsbad. The City is currently working towards some of these goals already, while others will require long-term planning. These opportunities include the following.

1. Coordinate with Preserve Managers, Wildlife Agencies, local organizations and others to:
  - Standardize monitoring methods, data collection, and data management so that monitoring results can be analyzed regionally
  - Determine monitoring priorities
  - Develop programs to monitor wildlife movement
  - Implement adaptive management strategies
2. Standardize, collect, manage, and update spatial data on an annual basis, including project-specific vegetation mapping, preserve monitoring data, parcel boundaries, etc.
3. Develop public outreach programs

The most prevalent constraints identified for the HMP Preserve System are:

1. Limited resources
2. Administrative difficulties, including Conservation Easement processing
3. Human-related impacts
4. Monitoring difficulties, including appropriate methods for detecting population trends, and fragmented habitat managed by many entities at different levels of responsibility

## Acronyms and Definitions

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ASMD – Area Specific Management Directive

California Gnatcatcher Core Area – An area identified in the MHCP that is considered critical to the recovery of the California Gnatcatcher. Approximately 500 acres of core habitat must be conserved by the MHCP jurisdictions as a condition of coverage for gnatcatcher. Although the core area is located outside of the City of Carlsbad, the City is responsible for 307.6 acres.

City – City of Carlsbad

CNLM – Center for Natural Lands Management

Compliance Monitoring – Monitoring to determine if the HMP is being properly implemented pursuant to the Implementing Agreement (IA) and state and federal take authorizations/permits.

Conservation Easement – (as defined in California Civil Code Section 815.1) Any limitation in a deed, will, or other instrument in the form of an easement, restriction, covenant, or condition, which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition.,

Edge Effects – Impacts to natural open space resulting from adjacent, contrasting environments, such as developed or disturbed land. When an edge is created, the natural ecosystem is affected for some distance in from the edge.

Effectiveness Monitoring – Monitoring habitat and species to determine if the HMP is protecting sensitive biological resources as predicted.

ESA – Endangered Species Act

Existing Hardline Areas – Natural habitat open space areas, such as Ecological Reserves and Dawson-Los Monos Reserve, that were preserved prior to final approval of the HMP.

FPA – Focused Planning Area

HCC – Helix Community Conservancy

HCP – Habitat Conservation Plan

HMP – Habitat Management Plan; serves as the MHCP Subarea Plan for the City

IA – Implementing Agreement

LFMZ – Local Facility Management Zone

MHCP – Multiple Habitat Conservation Program

NCCP – Natural Communities Conservation Program

Non-wasting endowment – an endowment with sufficient principal such that, through investment returns, it will provide for the set up costs and management/monitoring of a preserve in perpetuity.

OSMP – Open Space Management Plan, which serves as the Preserve Management and Monitoring Plan, which is referenced in Section 12.3 of the Implementing Agreement.

PMP – Area-specific Preserve Management Plan, the permanent management plan developed for a particular preserve within the Preserve System. The City has contracted Center for Natural Lands Management to develop a single PMP for all City-owned preserves.

Preserved – land conserved with conservation easement, restrictive covenant, deed restriction or transfer of fee title to the City or California Department of Fish and Game, that are being managed to HMP and MHCP standards.

Proposed Hardline Areas – Areas identified in the HMP as natural habitat open space that were proposed for permanent conservation and perpetual management during the design phase of development projects but not completed prior to final approval of the HMP.

Standards Areas – Areas that were included in the MHCP Focused Planning Area (i.e., considered high priority for inclusion into the Preserve System), but for which projects had not been proposed prior to HMP approval. Because potential protected habitat areas had not been delineated, a set of zone-specific conservation standards were established as a condition of future project approval.

TAIC – Technology Associates

Take – As defined in the federal Endangered Species Act, to harm, harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect a listed species or attempt to do so.

Wildlife Agencies – California Department of Fish and Game, and U.S. Fish and Wildlife Service

# 1.0 Introduction

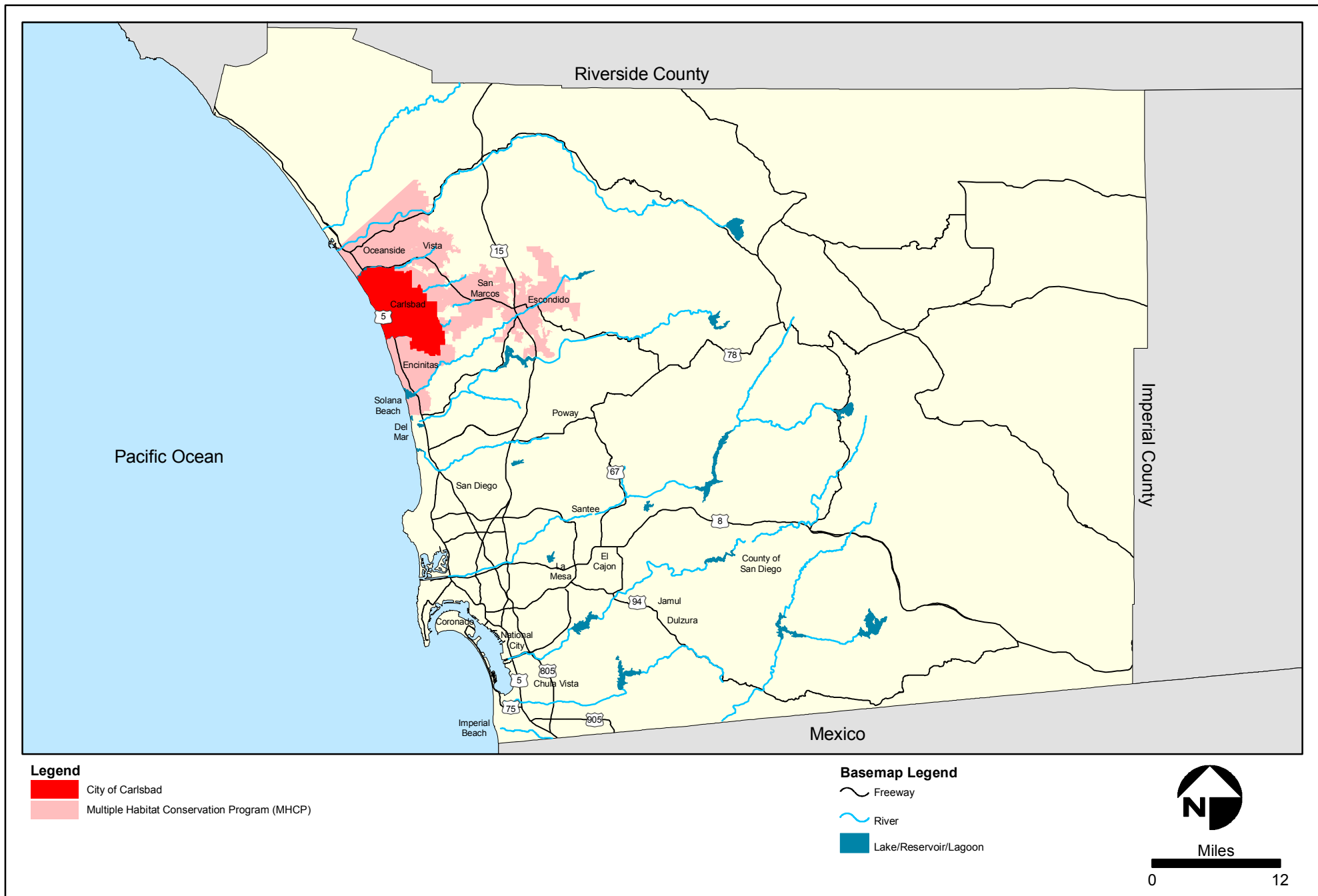
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The purpose of this document is to provide an update on the current status of the Habitat Management Plan (HMP) Preserve System, including gains and losses of natural habitat; summarize the management and monitoring activities within the Preserve System; provide a current financial status summary; address constraints to HMP implementation; and discuss opportunities and goals for the future. This information will be used in *compliance monitoring* to determine if the HMP is being properly implemented pursuant to relevant regulations and permit conditions, and in *effectiveness monitoring* to determine if the HMP is protecting sensitive biological resources as predicted. Annual tracking of the Preserve System's gains, losses, management, and monitoring is required by the Implementing Agreement (IA) and the HCP/NCCP take permits/authorizations. The City of Carlsbad (City) approved the IA for implementing the HMP on November 9, 2004.

## 1.1 Background

The HMP was developed to provide a comprehensive citywide program to identify how the City, in cooperation with the U. S. Fish and Wildlife Service and the California Department of Fish and Game (collectively the Wildlife Agencies), can preserve the diversity of habitat and protect sensitive biological resources within the City, while allowing for additional development consistent with the City's General Plan and its Growth Management Plan. The HMP serves as a habitat conservation plan (HCP), as described in Section 10(a)(1)B of the Endangered Species Act (ESA), and as a Natural Community Conservation Plan (NCCP), as authorized by the Natural Community Conservation Planning Act (Fish and Game Code Section 2800 et. seq.) (Nelson 1999; USFWS 2005; CDFG 2007). The HMP constitutes the City's subarea plan within the Multiple Habitat Conservation Program (MHCP) Subregional Plan for north coastal San Diego County (Figure 1). The advantages of the HCP/NCCP planning process are:

- The HMP protects rare and endangered species while accommodating economic development within the City.
- The HCP/NCCP planning process protects natural communities and sensitive species at an ecosystem or landscape level, rather than on a project-by-project basis. Project-by-project planning often results in the conservation of smaller parcels of disconnected habitat, while ecosystem planning can result in the preservation of larger, more contiguous blocks of habitat.



- A goal of the HCP/NCCP planning process is to protect habitat linkages and wildlife movement corridors that connect the preserved habitat blocks.
- The HMP ensures the management and monitoring of preserve lands in perpetuity.
- The HMP streamlines both the State and federal ESA compliance process for smaller landowners and developers by authorizing the City to issue species take permits.

## 1.2 HMP Compliance Monitoring and Effectiveness Monitoring

In order to evaluate the City's *compliance* with the HMP, and the *effectiveness* of the MHCP/HMP with respect to natural resources protection, it is necessary to understand the underlying goals of the plan which are summarized below (HMP p. A-2):

- Conserve the full range of vegetation community types, with a focus on sensitive habitat types.
- Conserve populations of narrow endemic species and other covered species.
- Conserve ample habitat, functional biological cores, wildlife movement corridors, and habitat linkages (including linkages that connect gnatcatcher populations and movement corridors for large mammals) to support covered species in perpetuity.
- Apply a "no net loss" policy to wetlands, riparian habitats, and oak woodlands.
- Implement appropriate land use measures to ensure the protection of preserve lands in perpetuity.
- Meet conservation goals stated above while accommodating orderly growth and development in the City.
- Coordinate and monitor protection and management of conserved lands within the Preserve System.
- Minimize costs of ESA-related mitigation and HMP implementation.

### 1.2.1 Compliance Monitoring

The Preserve Steward is working with the City to ensure that the HMP is being implemented in a manner that is consistent with the duties and obligations outlined in Sections 10 through 14 of the Implementing Agreement, the Conditions of the State NCCP Permit, and Terms and Conditions of the Federal ESA Section 10(a)(1)(B) Incidental Take Authorization/Permit. In addition, the City is working with individual Preserve Managers to ensure that their activities are consistent with the Biological Monitoring and Management Plan (MHCP, Vol. III) and the Open Space Management Plan (OSMP; a framework management plan developed for the City of Carlsbad) which



consist of focused guidelines pertaining to management and monitoring of sensitive species and habitats. Section 3.0 (Activities Conducted during Reporting Period) and Section 4.0 (Financial Summary) describe how these obligations have been or are currently being met by the City.

Building the Preserve System is a multi-step process which can take several years. Reviewing an itemized list of compliance, as described above, does not give a clear picture of the current state of the Preserve System. As such, Section 2 provides a snapshot of the individual preserves, mitigation banks, wildlife movement corridors and crossings, and Carlsbad's MHCP Gnatcatcher Core Area obligation.

### **1.2.2 Effectiveness Monitoring**

Monitoring the effectiveness of the MHCP and HMP is more challenging than compliance monitoring because the biological goals are broad, and it may take several years before trends in species populations and habitat conditions are detectable. Species and habitat monitoring is conducted by the Preserve Managers. Every three years, this information is gathered by the City and the Preserve Steward, who work with the Preserve Managers and Wildlife Agencies to analyze the data in order to detect changes in covered species populations and habitat conditions. Section 5 of this report is the first three-year monitoring summary for the Carlsbad HMP.

## **1.3 Annual Reporting**

The reporting period for this HMP Annual Report extends from the final adoption of the HMP (November 2004) through the end of the third year (October 2007). In the future, each annual report will cover only the previous year's activities. Because the City is in the initial stages of HMP implementation, it took some time to get the preserve tracking system (Habitrak) up and running. Consequently, habitat tracking data, a critical component of the annual report, were not available at the end of the first or second years. To show the Wildlife Agencies a good-faith effort, the City and Preserve Steward proposed a two-phased approach to the First Annual Report. Phase one consisted of a general status report and presentation to the City Council at a public meeting on March 27, 2007. Phase two consisted of merging the more detailed habitat tracking data from year one into the Second Annual Report, which was to be a more typical and complete report that covered years one and two. And, as recommended by the OSMF, the public component of this report will consist of a workshop planned in Spring 2008 to which the public, Wildlife Agencies, Preserve Managers, and Preserve Steward will be invited to discuss HMP implementation and preserve management.

The City and Preserve Steward recognize that this is an atypical approach to Natural Community Conservation Program (NCCP) annual reporting; however, in support of the City's efforts to comply with the requirements of the HMP, the Wildlife Agencies approved the two-phased approach described above. The First Annual HMP Report (phase 1) was completed in December, 2006 and included the first year status of HMP implementation pursuant to Section 11.0 of the IA, additional measures taken by the City (not required by the IA), current status of mitigation banks in the City, a review of projects, and a summary of management and monitoring activities within the Preserve System. It was prepared with the most current information that was available at the time. The report was provided to the Wildlife Agencies for review, sent to target interest groups (e.g. primary preserve management entities, lagoon foundations, Preserve Calavera, etc.), advertised in the North County Times, and posted on the City's website. The final report (January 2007) was presented to the City Council on March 27, 2007 at a public meeting, and the public was invited to give their comments, which are now part of the public record.

In the preparation and review of the Second Annual Report, extensive comments were received from USFWS and CDFG. It was determined that the City needed to provide additional information for the Wildlife Agencies to fully assess HMP compliance. After discussions about the purpose of the annual reporting and the schedule of reports and public meetings, all parties agreed to extend the current reporting period through year three, providing a summary of all HMP activities and preserve assembly to date.